MINUTES - REGULAR MEETING
SANTA MARIA CITY COUNCIL

CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA

JULY 2, 2013

INVOCATION:
Pastor Jamie LeBlanc of the Santa Maria Bahai Community Church gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Orach led the Pledge of Allegiance.

CALL TO ORDER
Mayor Patino called the meeting to order at 6:30 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Boysen, Green, Orach, Zuniga, and Mayor Patino.

STAFF MEMBERS PRESENT
City Manager Haydon, Senior Assistant City Attorney/Utilities Counsel Stockton, Police Chief Martin, Fire Chief Orr, Director of Recreation and Parks Posada, Director of Utilities Sweet, Director of Public Works/City Engineer Whitehead, Deputy City Manager Barnhard, Deputy City Manager Lara, and Chief Deputy City Clerk Garietz.

Mayor Patino called for a moment of silence in memory of the 19 Firefighters of the Hotshot crew who were killed in the Yarnell Hill Blaze fire near Prescott, Arizona on Sunday, June 30, 2013.

1. PROCLAMATIONS/PRESENTATIONS:

A. PROCLAMATION – RECREATION AND PARKS MONTH
Councilmember Green read a proclamation declaring the month of July 2012 as "Recreation and Parks Month" in the City of Santa Maria, and encouraged the Santa Maria community and surrounding areas to enjoy and participate in the benefits of public and private parks, recreation programs, services, and facilities. The proclamation was received by Recreation and Parks Commissioners Grennan and Spry.

Councilmember Orach thanked Recreation and Parks staff for their support, encouragement, and assistance with the City Employees' BBQ.

2. PUBLIC COMMENT:
Damon Boggs representing Global Phone and Wireless presented an award to the Police Department for the best humvee in the First Annual Car Show and Off-road Event that benefitted Wounded Warriors. The award was a replica of the Police Department's DARE Humvee. The award was presented to Chief of Police Martin.

Mark Rademaker spoke about his religious beliefs.

Nancy Stewart spoke against allowing the Fallas store in the Downtown Specific Plan Area. She indicated that she went to see the store in San Jose. She took pictures and presented them to the Council. She complained about how messy and disorganized the store was as compared to the presentation made by Fallas. She encouraged the Council not to support the Fallas store project.

Mayor Patino announced that First Class Scout Allan Wasserman of Boy Scout Troop 87 was observing the Council meeting this evening.

CONSENT CALENDAR:
Councilmember Boysen indicated that he had a conflict and would be abstaining from voting on Item 3E, Payment of Warrants.

Consent Calendar Items 3A through 3F (except 3E) were approved on motion by Councilmember Orach, seconded by Councilmember Zuniga, and carried on the following vote: 5-0

AYES:	Councilmembers Boysen, Green, Orach, Zuniga, and Mayor Patino
NOES:	None
ABSENT:	None
ABSTAIN:	None

Consent Calendar Item 3E only was approved on motion by Councilmember Orach, seconded by Councilmember Zuniga, and carried on the following vote: 4-0-1.

AYES: Councilmembers Green, Orach, Zuniga, and Mayor Patino
NOES: None
ABSENT: None
ABSTAIN: Councilmember Boysen

A. ORDINANCES.
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar were adopted by the same vote cast at the first reading unless City Council indicated otherwise.

B. MINUTES.
The Minutes of the Regular City Council Meeting of June 18, 2013, were approved as submitted.

C. PERSONNEL CHANGES
Resolution No. 2013-60 was adopted approving job specifications, establishing salary ranges, eliminating allocated positions, and adding positions, as authorized in the 2013-14 Amended City Budget.

Resolution No. 2013-60 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A NEW CLASSIFICATION AND MODIFICATION TO A SALARY RANGE AS A RESULT OF THE AMENDMENTS TO THE ADOPTED 2013-14 BUDGET.

D. CONFLICT OF INTEREST CODE
Resolution No. 2013-61 was adopted amending the Conflict of Interest Code.

Resolution No. 2013-61 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING APPENDIX "A" OF THE CONFLICT OF INTEREST CODE FOR DESIGNATED FILERS OF THE CITY OF SANTA MARIA.

E. WARRANTS.
Warrant Nos. 180201 to 180462 totaling $3,379,644.55 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services.

F. PAYROLL.
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

PUBLIC HEARINGS:

4. LANDSCAPE MAINTENANCE DISTRICTS' ASSESSMENT. Director of Recreation and Parks Posada gave a presentation as detailed in the written Council Agenda Report. The purpose was to confirm the assessment rates which were presented to the public and the City Council at the May 21, 2013, City Council Meeting for the City's four Landscape Maintenance Districts and their 21 associated Special Benefit Zones. These assessments meet the terms and procedures under the Landscaping and Lighting Act of 1972 and Proposition 218. By City Council's policy, any new residential or commercial development that occurs within the City of Santa Maria is conditioned to be annexed into a Landscape Maintenance District, and depending upon the amount of proposed public easement landscaping, a Special Benefit Zone. The Streets and Highway Code authorizes municipalities with the responsibility of providing the perpetual maintenance of additional public improvements associated with the development of each project. In Fiscal Year 2013-14, it is projected that there will be 8,280 dwelling units and 538 commercial properties within the four Districts. There are 21 Special Benefit Zones that are assessed. These Districts and Special Benefit Zones and their respective revenue projections, were detailed in the Engineer's Report which was approved by City Council on May 21, 2013. The District maps showing the boundaries for each of the Districts and Special Benefit Zones were also included with the Engineer's Report. For the upcoming 2013-14 Fiscal Year, it is proposed that assessment rates be increased by 2% based on the Consumer Price Index (CPI) change, generating approximately $2.7 million in revenue to fund direct maintenance services and District operations based on the adopted Engineer's Report. The General Fund will provide a financial contribution, known as the "City's General Benefit" of approximately $659,600 to be made on behalf of 24,064 commercial and residential properties which existed prior to the establishment of the Landscape Maintenance District and are not assessed.

Public Hearing
There were no written communications received.

Mayor Patino opened the public hearing at 6:49 p.m.

There being no requests to speak, Mayor Patino closed the Public Hearing at 6:53 p.m.

Councilmember Discussion
There was no discussion from Councilmembers.

Resolution Nos. 2013-62, 2013-63, 2013-64, 2013-65 were adopted approving the 2013-14 annual assessments for the City's four Landscape Maintenance Districts – South Miller Street/South College Drive Landscape Maintenance District, Northwest Landscape Maintenance District, Northeast Landscape Maintenance District, and Southwest Landscape Maintenance District and Special Benefit Zones, on motion by Councilmember Boysen, seconded by Councilmember Orach, and carried on the following vote: 5-0

AYES:	Councilmembers Boysen, Green, Orach, Zuniga, and Mayor Patino
NOES:	None
ABSENT:	None
ABSTAIN:	None

Resolution No. 2013-62 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENTS FOR THE SOUTH MILLER STREET/SOUTH COLLEGE DRIVE LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. DS-6.

Resolution No. 2013-63 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENTS FOR THE NORTHWEST LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. DS-9.

Resolution No. 2013-64 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENTS FOR THE NORTHEAST LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. DS-10.

Resolution No. 2013-65 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENTS FOR THE SOUTHWEST LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. DS-11.

REGULAR BUSINESS:

5. PRE-SALE AGREEMENT FOR BIOLOGICAL MITIGATION UNION VALLEY PARKWAY PHASES I & II. Director of Public Works/City Engineer Whitehead gave a presentation as detailed in the written Council Agenda Report. The Union Valley Parkway (UVP) is a primary arterial roadway in the City's General Plan. Phases I & II are completed and Phase III is expected to be completed and open to the public by the end of 2013. One of the mitigation requirements of the United States Fish and Wildlife Service (USFWS) in the Final Environmental Impact Report for Phases I & II is for the City to preserve, via a perpetual conservation easement, 49.1 acres of upland and dispersal habitat, suitable for the California Tiger Salamander (CTS) and California Red-Legged Frog (CRLF). At the time the Biological Opinion document was prepared in 2008, it was thought that mitigation for the UVP project could be accomplished in coordination with biological mitigation activities already planned by the Santa Maria Public Airport District's (SMPAD) proposed research park and golf course project which are immediately adjacent to the UVP project. Since then, SMPAD has modified its development strategy and has indicated that they will not be providing mitigation opportunities to the City of Santa Maria.

In 2012, staff was contacted by two land owners in the Los Alamos area who were attempting to provide mitigation to the City. The first came from Carson Scheller, trustee for the Scheller Trust who was originally applying for regulatory approvals to establish a mitigation bank, but changed his proposal to offer a conservation easement instead. The second proposal was from Debra Geiler of the Conservation Land Group (CLG), proposing to sell mitigation bank credits to the City of Santa Maria. A mitigation bank is a preserved area of land containing the required biological resources that sells "mitigation credits" to other entities. The bank contains a fixed number of mitigation areas that are sold on the open market to buyers. A conservation easement is also a preserved area of land containing the required biological resources. It differs from a mitigation bank in that the conservation easement provides direct biological mitigation to a single project, at a fixed price negotiated between seller and buyer, and does not provide additional mitigation credits to other projects needing mitigation. Both of these options will satisfy the requirements of the USFWS, however, if the City elects to provide mitigation on land from Los Alamos, an additional 40 percent credits will be required, resulting in 69 acres/credits instead of 49.1 acres/credits. This is due to the difference in subspecies in the two locations as well as the distance between the two areas.

Comparing the two options: Rancho Purisima, LLC Conservation Bank Advantages: Already achieved a majority of the required approvals and is awaiting final approval, is a simple purchase of mitigation

bank credits, the credits can be purchased at a discounted guaranteed price, and has already been chosen by another established firm. Disadvantages: Requires $138,000 upfront deposit, City risks forfeiture of deposit if City breaches the agreement, and the cost per credit is higher than Scheller.

Scheller Trust CTS Conservation Easement Advantages: A payment will cause the trust to establish and convey a conservation easement to the California Rangeland Trust, the cost per acre is lower than CLG, and it does not require an up-front deposit. Disadvantages: The trust has not yet submitted its conservation easement for regulatory review; the failure of the trust to successfully complete any of the designated activities would cause the City to find other options; requires the City to forego an opportunity for a discounted price from CLG; if the Scheller Trust fails to be approved, the City's costs would increase significantly; and possible delay depending on agency approval of the requirements.

Councilmember Orach asked about the timeframe in which the City must act on this.

Director of Public Works/City Engineer Whitehead responded that there is a deadline stated in the contract to protect the City in case the Mitigation Bank is not approved by the Fish and Wildlife Service. If that occurs, the City has the option to ask for their deposit back or for an extension of time.

Councilmember Boysen asked if either proposal was superior to the other.

Director of Public Works/City Engineer Whitehead responded that there is no environmental difference. They both satisfy the mitigation requirements imposed on the City for the UVP Project. The difference is the form of the legal package that is put together for approval by the Fish and Wildlife Service. One is a mitigation bank with 2,000 or so mitigation credits available for sale on the open market. We only need to purchase 69 of those credits, so they will continue to sell the remaining credits. The conservation easement is an easement on 69 acres of land which will only be able to be used to satisfy City of Santa Maria's mitigation requirements.

Mayor Patino asked if the mitigation credits have to take place in the County of Santa Barbara.

Director of Public Works/City Engineer Whitehead responded "yes."

Public Input
Debra Geiler representing Conservation Land Group and Brian Sweeney representing Rancho Purisima, LLC spoke in favor of the pre-sale agreement and were available for questions.

Councilmember Zuniga asked about enhancement to the property for the red-legged frog which had been mentioned in the documents distributed.

Debra Geiler responded that the enhancements had already been made. They consisted of replacing plants in ponds that had been destroyed by cattle which had previously been in the area. The plants will grow back and then the frogs will be able to lay their eggs, and the conservation resource will be available.

Carson Scheller representing the Scheller Family Trust spoke in opposition to the pre-sale agreement.

Council Discussion
Mayor Patino asked whether either of the proposals were already set up and approved with all of the agencies.

Director of Public Works/City Engineer Whitehead responded Rancho Purisma Conservation Bank was in the final stages of getting their approval from the Fish and Wildlife Agency. The Scheller Trust Conservation Easement is prepared to apply, but have not submitted anything to the Fish and Wildlife Service. They have submitted applications previously to establish and get approvals for a mitigation bank. Due to the great expense of this type of project, they were unable to complete the process for approval as a mitigation bank.

Mayor Patino asked why we were discussing this now if neither company was authorized yet as a mitigation easement or bank.

Director of Public Works/City Engineer Whitehead responded that while we have no deadline on the conservation mitigation issue, the funding is limited to its programming year.

Councilmember Boysen asked if it was Mr. Whitehead's opinion if the mitigation bank was the safest and most sure route of attaining mitigation in a timely fashion in order to assure the proper funding.

Director of Public Works/City Engineer Whitehead responded that "yes." He also responded to Mayor Patino that the City was not purchasing the mitigation credits at this time. The City was seeking

approval for the City Manager to sign a Pre-Sale Agreement and allow the City to make a deposit into an escrow account. If the mitigation bank was not approved, then the deal was off and the City would retain its deposit.

Resolution No. 2013-66 was adopted approving the pre-sale agreement for biological mitigation for Union Valley Parkway Phases I & II on motion by Councilmember Zuniga, seconded by Councilmember Boysen, and carried on the following vote:

AYES: Councilmembers Boysen, Green, Orach, and Zuniga
NOES: Mayor Patino
ABSENT: None
ABSTAIN: None

Resolution No. 2013-66 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE PRE-SALE AGREEMENT FOR BIOLOGICAL MITIGATION FOR UNION VALLEY PARKWAY PHASES I & II.

6. EMPLOYEE-REQUESTED PUBLIC SESSION PURSUANT TO GOVERNMENT CODE SECTION 54957. Senior Assistant City Attorney/Utilities Counsel Stockton provided a brief introduction of the item indicating that the City Council is considering a resolution making findings and upholding the decision of the City Manager. The matter was continued from an open session on June 4, 2013, where the Council directed staff to return findings to uphold the decision of the City Manager.

Councilmember Zuniga commented that she had reviewed the material provided by the parties involved in the matter and was concerned about additional monies that may be spent in litigation.

Resolution No. 2013-67 was adopted making findings and upholding the City Manager's decision of discipline on motion by Councilmember Orach, seconded by Councilmember Green, and carried on the following vote:

AYES: Councilmembers Green, Orach, and Mayor Patino
NOES: Councilmembers Boysen and Zuniga
ABSENT: None
ABSTAIN: None

Resolution No. 2013-66 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, MAKING FINDINGS AND UPHOLDING THE CITY MANAGER'S DECISION OF DISCIPLINE.

CITY MANAGER'S REPORT
City Manager Haydon reported on items anticipated for the July 16, 2013, City Council Meeting to include consent items, a Public Hearing on the Weed Abatement Program Assessments and the Regular Business item of the ABC License for Walmart on South Blosser that was continued from the May 7, 2013 City Council Meeting.

ORAL REPORTS BY COUNCILMEMBERS REGARDING AB1234
Councilmember Boysen reported that he attended the CCWA Board Meeting and retirement party for Bill Brennan, and that Ray Stokes was assuming the roll of Executive Director. He discussed a contact from Santa Maria Energy concerning their project in Orcutt Hills that was in the process of approval with the County of Santa Barbara. He requested that an item be brought to the Council for discussion offering Council's support for the project. He spoke about the potential of the project to bring financial benefits to the City of Santa Maria. He mentioned that he has discussed this with City Manager Haydon.

City Manager Haydon responded that the City does not take an official position on projects that are not within the City's sphere of influence and that the City only takes positions on items that have a direct financial impact on the City. He suggested that if Councilmembers would like to show support for the project, he recommended letters be written in support for Councilmembers and that they mail them to the various agencies involved.

Councilmember Boysen mentioned that he would like to have the Council come together as a group on the letter, and asked the City Manager and City Attorney's Office for their assistance in drafting the letter.

Councilmember Green reported that he has met with Urban Planning Concepts on various projects, and that he attended the Walmart Grand Opening.

Councilmember Orach reported that he attended the City Employees' BBQ, and thanked everyone who volunteered their assistance. He also thanked the employees for their hard work.

Councilmember Zuniga reported that she attended the NAACP Prayer Breakfast, the Pueblo/Cause Awards Dinner in Santa Barbara, met with Senator Hannah Beth Jackson's Representative to inquire if the City might get some assistance from CalTrans for sidewalk improvements on North Broadway, and attended the City Employee BBQ.

Mayor Patino reported that she met with Martha Harmon and attended a Santa Barbara Foundation event, the APCD Board of Director's meeting, the Time Travel trade show at the Santa Maria Fairpark, spoke at the Evening Rotary meeting, attended the Santa Maria Public Airport District quarterly meeting, the California Women for Agriculture-Scholarship presentation, the Rotary VIP Waiter's night dinner, the Farmers Market Grand Opening by the Sears store, spoke at the Relay for Life Event, attended the City Employee BBQ, and attended the ribbon cutting at Joseph Centeno Betteravia Government Center Building.

ADJOURNMENT:
Mayor Patino spoke about Supervisor Teixeira who passed away suddenly on June 26. She mentioned how active he was in the community; that he and his family were active in youth sports, 4-H, FFA, Cub Scouts and Boy Scouts. He was an active member of the Nipomo Rotary Club and was a Paul Harris Fellow.

There being no further business to come before the City Council at this time, Mayor Patino declared the meeting of the City Council adjourned at 7:33 p.m. in memory of Paul Anthony Teixeira.

APPROVED

July 16, 2013
Date

Rhonda M. Garietz
Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

Alice M. Patino
Mayor of the City of Santa Maria

ATTEST

Rhonda M. Garietz, CMC
Chief Deputy City Clerk